

# Notice of Allowability

Application No.

09/439,655

Examiner

Bernard Lipman

Applicant(s)

MORRISON ET AL.

Art Unit

1713

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 22 August 2005.
2. ☒ The allowed claim(s) is/are 1,4-11,13 and 17-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Cynthia L. Foulke, Esq. on 15 September 2005.

The application has been amended as follows:

#### Amendments to Claims

Claim 1 (currently amended): A hot melt adhesive composition comprising, by weight of the hot melt adhesive composition,

a) about ~~5~~ 35 weight percent to about 60 weight percent of an ethylene-vinyl acetate copolymer having a vinyl acetate content of about 30 weight percent to 50 weight percent and a melt index of about 700 to 4,000 dg/min;

b) about 30 weight percent to about 60 weight percent of a tackifier selected from the group consisting of terpene, terpene phenolic, modified terpene, and combinations thereof; and

c) about 15 weight percent to about 55 weight percent of a wax with a melting point of about 125°F to 180°F;

wherein the hot melt composition can be applied to a piece of substrate at a temperature of 200°F to 300°F for bonding said substrate to a second piece of substrate.

Claims 2 and 3 (canceled)

Art Unit: 1713

Claim 4 (previously presented): An adhesive according to Claim 1 wherein the ethylene-vinyl acetate copolymer comprises about 35 weight percent to about 45 weight percent vinyl acetate.

Claim 5 (previously presented): An adhesive according to Claim 1 wherein the ethylene-vinyl acetate copolymer comprises about 40 weight percent vinyl acetate.

Claim 6 (previously presented): An adhesive according to Claim 1 wherein the wax is paraffin wax or synthetic wax.

Claim 7 (original): An adhesive according to Claim 1 additionally comprising up to about 5 weight percent of at least one additional tackifier selected from the group consisting of rosin, rosin derivatives, rosin ester, aliphatic hydrocarbons, aromatic hydrocarbons, aromatically modified aliphatic hydrocarbons and mixtures thereof.

Claim 8 (previously presented): A hot melt adhesive composition comprising, by weight of the hot melt adhesive composition,

a) about 35 weight percent of an ethylene-vinyl acetate copolymer with about 40 weight percent vinyl acetate and having a melt index of about 1,000 dg/min;

b) about 30 weight percent of a tackifier selected from the group consisting of terpene, terpene phenolic, modified terpenes, and combinations thereof;

c) about 5 weight percent of at least one additional tackifier selected from the group consisting of pentaerythritol, hydrogenated glycerol, and combinations thereof;

d) about 30 weight percent of a wax with a melting point of about 150°F;

wherein the hot melt composition can be applied to a piece of substrate at a temperature of 200°F to 300°F for bonding said piece of substrate to a second piece of substrate.

Claim 9 (previously presented): A carton, case or tray formed utilizing the adhesive composition of Claim 1, 7 or 8.

Claim 10 (previously presented): An adhesive according to Claim 1 which comprises about 30 weight percent to about 60 weight percent of a terpene phenolic tackifier.

Claim 11 (previously presented): An adhesive according to Claim 1 which comprises about 35 weight percent to about 45 weight percent of an ethylene-vinyl acetate copolymer.

Claim 12 (canceled)

Claim 13 (previously presented): An adhesive according to Claim 8 which comprises about 30 weight percent a terpene phenolic tackifier.

Claims 14-16 (canceled)

Claim 17 (previously presented): A hot melt adhesive composition consisting essentially of, by weight of the hot melt adhesive composition,

- a) about 5 35 weight percent to about 60 weight percent of an ethylene-vinyl acetate copolymer having a vinyl acetate content of about 30 weight percent to 50 weight percent and a melt index of about 700 to 4,000 dg/min;
- b) about 30 weight percent to about 60 weight percent of a tackifier selected from the group consisting of terpene, terpene phenolic, modified terpene, and combinations thereof;
- c) up to about 5 weight percent of at least one additional tackifier selected from the group consisting of rosin, rosin derivatives, rosin ester, aliphatic hydrocarbons, aromatic hydrocarbons, aromatically modified aliphatic hydrocarbons and mixtures thereof;
- c) about 15 weight percent to about 55 weight percent of a wax with a melting point of about 125°F to 180°F; and
- d) an optional stabilizer.

Art Unit: 1713

wherein the hot melt composition can be applied to a piece of substrate at a temperature of 200°F to 300°F for bonding said substrate to a second piece of substrate.

Claim 18 (previously presented): An adhesive according to Claim 17 wherein said tackifier b) is a terpene phenolic tackifier.

Claim 19 (previously presented): An adhesive according to Claim 17 wherein said ethylene-vinyl acetate is present in amounts of about 35 weight percent to about 45 weight percent.

Claim 20 (previously presented): A carton, case or tray formed utilizing the adhesive composition of Claim 17.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Lipman whose telephone number is 571-272-1105. The examiner can normally be reached on 8-5 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bernard Lipman  
Primary Examiner  
Art Unit 1713

BL/hs